

A medicine or drug is “any pill, powder, potion, salve, or other preparation intended by the manufacturer for human use and which purports on the label to have medicinal qualities.” See 86 Ill. Adm. Code 130.310. (This is a GIL.)

May 9, 2005

Dear Xxxxx:

This letter is in response to your letter dated December 23, 2004, in which you request information. The Department issues two types of letter rulings. Private Letter Rulings (“PLRs”) are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. A PLR is binding on the Department, but only as to the taxpayer who is the subject of the request for ruling and only to the extent the facts recited in the PLR are correct and complete. Persons seeking PLRs must comply with the procedures for PLRs found in the Department’s regulations at 2 Ill. Adm. Code 1200.110. The purpose of a General Information Letter (“GIL”) is to direct taxpayers to Department regulations or other sources of information regarding the topic about which they have inquired. A GIL is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120. You may access our website at www.ILTAX.com to review regulations, letter rulings and other types of information relevant to your inquiry.

The nature of your inquiry and the information you have provided require that we respond with a GIL. In your letter you have stated and made inquiry as follows:

Our company is presently introducing a new line of products, which I would greatly appreciate if you could render a ruling in writing as to whether these products would be taxable or not in your state.

Please find enclosed a fact sheet with a list of content for the following supplements and protein packets.

*** (supplement)

*** (supplement)

*** (supplement)

Calcium & Magnesium (supplement)

Pudding Preparation (protein packet)

Oatmeal Preparation (protein packet)

Drink Preparation (protein packet)

Soup Preparation (protein packet)

Soup Preparation (protein packet)

Cake Preparation (protein packet)

Cake Preparation (protein packet)

Drink Preparation (protein packet)

Pancake Preparation (protein packet)
Pudding Preparation (protein packet)

Please do not hesitate to contact me should you require additional information regarding our new product line. I thank you in advance and remain,

DEPARTMENT'S RESPONSE:

Information regarding the tax liabilities for certain foods, drugs and medicines may be found at 86 Ill. Adm. Code 130.310. You may find helpful information by reviewing the Department's "Sunshine Letter Rulings" and the above regulation which may be found on the Department's internet website under the heading of "Legal Research." For example, please see general information letter ST-03-0076-GIL.

I hope this information is helpful. If you require additional information, please visit our website at www.ILTAX.com or contact the Department's Taxpayer Information Division at (217) 782-3336. If you are not under audit and you wish to obtain a binding PLR regarding your factual situation, please submit a request conforming to the requirements of 2 Ill. Adm. Code 1200.110 (b).

Very truly yours,

Edwin E. Boggess
Associate Counsel

EEB:msk